

Bali Ram vs. Shiv Ram & Ors.

RSA No. 100 of 2024

26.09.2024 Present:

Mr. Subhash Mohan Snehi and Ms. Bhavinta,
Advocate, for the appellant

Mr. Mukul Sood, Advocate, for the respondents.

CMP No. 6137 of 2024

Rejoinder, if any, be filed within a period of four
weeks.

RSA No. 100 of 2024

Certified copy of the trial Court judgment be filed well
before the next date of hearing.

List after four weeks.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Vivek Sharma vs. State of H.P. and others

CWP No. 656 of 2024

26.09.2024 Present:

Mr. Mukul Sood, Advocate, for the petitioner.

Mr. Gautam Sood, Deputy Advocate General, for the respondents.

Rejoinder, as prayed, be filed within a period of four weeks. List thereafter.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Jagpal Singh vs. Managing Director & Ors.

CWP No. 944 of 2024

26.09.2024 Present:

Mr. Nitish Kaith, Advocate, for the petitioner.

Mr. Rahul Gathania, Advocate, for the respondents.

Reply, as prayed, be filed within a period of four weeks. List thereafter.

**(Bipin C. Negi)
Judge**

September 26, 2024
tarun

Karam Dutt & Ors. vs. State of H.P. & Ors.

CWP No. 1372 of 2024

26.09.2024 Present: Mr. Ashok Kumar Verma, Advocate, for the petitioners.
Mr. Diwakar Dev Sharma, Additional Advocate General, for the respondents/State.

Learned counsel appearing on behalf of the petitioner seeks time for filing supplementary affidavit to demonstrate that he is a Member of Himachal Pradesh, Government College Teachers Association. Needful be done within a period of one week.

List thereafter. In the meanwhile, reply be also filed.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Jagdish Kumar vs. State of H.P. and Ors.

CWP No. 2010 of 2024

26.09.2024 Present: Ms. Geetanjali, Advocate, vice Mr. Virender Thakur, Advocate, for the petitioner.

Mr. Diwakar Dev Sharma, Additional Advocate General, for the respondents/State.

Learned Additional Advocate General submits that reply stands filed on their behalf today in the Registry.

Learned counsel appearing on behalf of the petitioner prays for and is granted four weeks time to file rejoinder.

List after four weeks. It be ensured that pleadings be completed well before the next date of hearing.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Arun Sharma vs. State of H.P. & others
CWP No.5040 of 2024

26.09.2024 Present: Mr. Tarun K. Sharma, Advocate, for the petitioner.
Mr. B.N. Sharma, Additional Advocate General, for respondents No. 1 to 3/State.

Though respondent No.4 stands served, however, none has put in appearance on its behalf. Hence, it is proceeded against ex parte.

Fresh steps for the service of respondent No.5 be taken within a period of three days. On taking such steps, issue notice to the aforesaid respondent, returnable, within a period of four weeks.

List after four weeks. In the meanwhile, reply be also filed.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Gurmeet Singh vs. State of H.P. & others
CWP No.5102 of 2024

26.09.2024 Present:

Mr. Goldy Singh, Advocate, for the petitioner.

Mr. B.N. Sharma, Additional Advocate General, for respondents No. 1 to 4/State.

Rejoinder, as prayed, be filed within a period of four weeks.

List thereafter.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Tajinder Singh vs. State of H.P. & Another
CWP No.5354 of 2024

26.09.2024 Present:

Mr. Sanjeev Bhushan, Sr. Advocate, with Mr. Sohail Khan, Advocate, for the petitioner.

Mr. Diwakar Dev Sharma, Additional Advocate General, for the respondents/State.

Rejoinder, as prayed, be filed within a period of four weeks.

List thereafter.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Vikrant vs. State of H.P. & Ors.

CWP No.5356 of 2024

26.09.2024 Present:

Mr. Arun Kaushal, Advocate, for the petitioner.

Mr. Diwakar Dev Sharma, Additional Advocate General,
for respondents No. 1 to 3/State.

Mr. Sohail Khan, Advocate vice Mr. Rajesh Kumar,
Advocate, for respondent No.4.

Reply stands filed on behalf of respondents No. 1 to

3. Learned counsel appearing on behalf of the petitioner submits
that he has received a copy thereof.

Learned counsel appearing on behalf of respondent
No.4 prays for and is granted three weeks' time to file reply.

List on **14th October, 2024.**

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Manohar Lal vs. HPSEBL & others

CWP No.5548 of 2024

26.09.2024 Present:

None for the petitioner.

Mr. Dhananjay Sharma, Advocate, for the respondents.

In the interest of justice, list after four weeks.

Rejoinder, if any, be also filed in the meanwhile.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Jiwan Kumar and others vs. State of H.P. & another
CWP No.6054 of 2024

26.09.2024 Present:

Mr. Ashwani Sharma, Advocate, for the petitioners.

Mr. Raj Kumar Negi, Additional Advocate General, for the respondents/State.

Rejoinder, as prayed, be filed within a period of four weeks.

List thereafter

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Sunita Devi vs. State of H.P. and others
CWP No. 6378 of 2024

26.09.2024 Present:

Mr. H.S. Rangra, Advocate, for the petitioner.

Mr. B.N. Sharma, Additional Advocate General, for
the respondents-State.

Rejoinder, as prayed, be filed within a period of four
weeks.

List thereafter.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Neter Singh vs. State of H.P. and others
CWP No. 6854 of 2024

26.09.2024 Present:

Ms. Shashi Kiran, Advocate, for the petitioner.

Mr. B.N. Sharma, Additional Advocate General, for
the respondents-State.

Rejoinder, as prayed, be filed within a period of four
weeks.

List thereafter.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Hem Raj Sharma vs. State of H.P. & Ors.

CWP No. 8370 of 2024

26.09.2024 Present: Mr. Neel Kamal Sharma, Advocate, for the petitioner.

Mr. B.N. Sharma, Additional Advocate General, for respondents No. 1 to 3/State.

Though respondent No.4 stands served, however, none has put in appearance on his behalf. Hence, he is proceeded against ex parte. Reply stands filed on behalf of respondents No. 1 to 3.

Learned counsel appearing on behalf of the petitioner prays for and is granted four weeks' time to file rejoinder.

List thereafter.

**(Bipin C. Negi)
Judge**

September 26, 2024
tarun

Shiv Raj vs. HRTC & Anr.

CWP No. 4573 of 2022

26.09.2024 Present: Ms. Aashima, Advocate vice Mr. Vipul Sharda,
Advocate, for the petitioner.

Mr. Vikas Rajput, Advocate, for the respondents.

At the request of learned vice counsel appearing on
behalf of the petitioner, list for hearing on 29th October, 2024.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Dinesh Chander Sharma vs. Vinod Kumar Kapila

CMP(M) No. 1500 of 2023

26.09.2024 Present: Mr. Dinesh Chander Sharma, Advocate, for the petitioner.

Mr. Sunny Modgil, Advocate, for the respondent.

The present petition has been filed seeking condonation of delay in filing a revision petition against the impugned order dated 03.05.2023, whereby an application under Order 7 Rule 11 CPC has been allowed and the plaint stands rejected.

At this juncture, it would be appropriate to refer to Section 2 (2) of CPC, which is being reproduced here-in-below.

2. Definitions- In this Act, unless there is anything repugnant in the subject or context,

“decree” means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within Section 144, but shall not include

- (a) Any adjudication from which an appeal lies as an appeal from an order, or
- (b) Any order of dismissal for default.

Explanation. A decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of. It is final when such adjudication completely disposes of the suit. It may be partly preliminary and partly final;

From a bare perusal of the aforesaid, it is evident that an order rejecting a plaint is deemed to be a decree. Once that is the case, then order dated 03.05.2023 is an appealable order and not revisable order.

In view thereof, the present application is disposed of. The petitioner is free to pursue remedies available to him in accordance with law.

CR. No. _____ of 2024

Be registered.

List after four weeks.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Satwant Singh vs. Madhu Bala and others.

CMP(M) No. 1504 of 2023

26.09.2024 Present: Mr. Dinesh Chander Sharma, Advocate, for the petitioner.

The present petition has been filed seeking condonation of delay in filing a revision petition against the impugned order dated 03.05.2023, whereby an application under Order 7 Rule 11 CPC has been allowed and the plaint stands rejected.

At this juncture, it would be appropriate to refer to Section 2 (2) of CPC, which is being reproduced here-in-below.

2. Definitions- In this Act, unless there is anything repugnant in the subject or context,

“decree” means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within Section 144, but shall not include

- (c) Any adjudication from which an appeal lies as an appeal from an order, or
- (d) Any order of dismissal for default.

Explanation. A decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of. It is final when such adjudication completely disposes of the suit. It may be partly preliminary and partly final;

From a bare perusal of the aforesaid, it is evident that an order rejecting a plaint is deemed to be a decree. Once that is

the case, then order dated 03.05.2023 is an appealable order and not revisable order.

In view thereof, the present application is disposed of. The petitioner is free to pursue remedies available to him in accordance with law.

CR. No. _____ of 2024

Be registered.

List after four weeks.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Shahin vs. Shabina Anjum a/w connected matter

**CMPMO No. 261 of 2024 a/w
CMPMO Nos. 262 & 263 of 2024**

26.09.2024 Present:

Mr. B.N. Misra, Sr. Advocate with Ms. Vandana Misra & Ms. Farhana, Advocates, for the petitioner in CMPMO No. 261 of 2024 and for the respondents, in CMPMO Nos. 262 & 263 of 2024.

Mr. Rajiv Jiwan, Sr. Advocate, with Mr. Prashant Sharma, Advocate, for the petitioner, in CMPMO Nos. 262 & 263 of 2024 and for the respondent in CMPMO No. 261 of 2024.

Learned counsel appearing on behalf of the petitioner submits that in so far as arrears of maintenance are concerned, the petitioner is ready and willing to deposit Rs,2,00,000/- within a period of four weeks and the balance amount thereafter within a further period of four weeks.

In view thereof, list the matter on **28th October, 2024**.

**(Bipin C. Negi)
Judge**

September 26, 2024
tarun

Dinesh Chander Sharma vs. Meena Kumari

CMP(M) No. 1499 of 2023

26.09.2024 Present: Petitioner in person.

Mr. Dheeraj K. Vashisht, Advocate, for the respondent.

CMP No. 1499 of 2023

The present petition has been filed seeking condonation of delay in filing a revision petition against the impugned order dated 03.05.2023, whereby an application under Order 7 Rule 11 CPC has been allowed and the plaint stands rejected.

At this juncture, it would be appropriate to refer to Section 2 (2) of CPC, which is being reproduced here-in-below.

2. Definitions- In this Act, unless there is anything repugnant in the subject or context,

“decree” means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within Section 144, but shall not include

- (e) Any adjudication from which an appeal lies as an appeal from an order, or
- (f) Any order of dismissal for default.

Explanation. A decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of. It is final when such adjudication completely disposes of the suit. It may be partly preliminary and partly final;

From a bare perusal of the aforesaid, it is evident that an order rejecting a plaint is deemed to be a decree. Once that is the case, then order dated 03.05.2023 is an appealable order and not revisable order.

In view thereof, the present application is disposed of. The petitioner is free to pursue remedies available to him in accordance with law.

CR. No. _____ of 2024

Be registered.

List after four weeks.

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Sunita Chauhan vs. State of H.P. & Ors.

CWP No. 244 of 2020

26.09.2024 Present: Ms. Devyani Sharma, Sr. Advocate with Mr. Basant Pal Thakur, Advocate, for the petitioner.

Mr. B.N. Sharma, Additional Advocate General, for the respondents.

At the request of learned counsel appearing on behalf of the petitioner, list on **28th October, 2024.**

(Bipin C. Negi)
Judge

September 26, 2024
tarun

Kadar Khan vs. State of H.P. and others

CWP No. 10958 of 2024

26.09.2024 Present: Mr. K.B. Khajuria and Mr. P.K. Verma, Advocates, for the petitioner.

Mr. B.N. Sharma, Additional Advocate General, for respondents No. 1 to 5/State.

At the request of learned counsel appearing on behalf of the petitioner, list after two weeks.

**(Bipin C. Negi)
Judge**

September 26, 2024
tarun

Rajinder Kumar Bhardwaj vs. State of H.P. & Ors.

C.W.P No. 10956 of 2024

26.09.2024 Present:

Mr. Gopal Singh and Mr. Chitranjan Sharma, Advocates, for the petitioner.

Mr. B.N. Sharma, Additional Advocate General, for respondents No. 1 to 4 & 6/State.

Mr. Tek Ram Sharma, Advocate, for respondent No.5.

Notice. Mr. B.N. Sharma, learned Additional Advocate General and Mr. Tek Ram Sharma, Advocate, appear and waive service of notice on behalf of respondents No. 1 to 4 & 6 and respondent No.5, respectively. Reply be filed within a period of four weeks.

List thereafter.

CMP No. 18138 of 2024

Learned counsel for the petitioner states that he is under instructions not to press this application, at this stage. Accordingly, the same is dismissed as not pressed. Application stands disposed of.

**(Bipin C. Negi)
Judge**

September 26, 2024
tarun

